

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LeKENDRICK LAWUN MURPHY,

Plaintiff,

v.

Case No. 08-CV-13838

ROKAS ELIYAHU OGINSKIS, et al.,

Defendants.

**ORDER GRANTING *IN FORMA PAUPERIS* STATUS AND ORDER TO SHOW
CAUSE: NOTICE OF INTENDED DISMISSAL**

Plaintiff LeKendrick Lawun Murphy filed this action on September 8, 2008. In his *pro se* Complaint, Plaintiff recounts his monetary transactions with Defendants and appears to allege a conversion of Plaintiff's property by Defendants. (Pl.'s Compl. at 1-2.) Plaintiff also narrates a subsequent judicial proceeding between Plaintiff and Defendants regarding the same property. (Pl.'s Compl. at 2.) Plaintiff now asks the court to allow him to proceed *in forma pauperis*.

Plaintiff asserts he is employed by Labor Ready in Ann Arbor, Michigan, where he earns \$7.65 per hour. He possesses no other assets. To proceed *in forma pauperis*, a person must "submit[] an affidavit that includes a statement of all assets such [person] possesses [and] that the person is unable to pay such fees or give security therefore. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress." 28 U.S.C. § 1915(a)(1). Because Plaintiff has complied with the statute, the court will grant Plaintiff *in forma pauperis* status.

While the rules of notice pleading are generally forgiving, at minimum a complaint “shall contain (1) a short and plain statement of the grounds upon which the court’s jurisdiction depends . . . (2) a short and plain statement of the claim showing that the pleader is entitled to relief, and (3) a demand for judgment for the relief the pleader seeks.” Fed. R. Civ. Proc. 8(a). Plaintiff’s Complaint does not fulfill any of these requirements. First, Plaintiff has made no statement regarding whether this court has jurisdiction to hear his case. Second, even if this court were to have jurisdiction in his case, Plaintiff has not stated any claim or grounds for a claim for which this court may grant relief. Finally, Plaintiff’s Complaint lacks any request for relief mandated by law. For these reasons, Plaintiff’s Complaint does not meet the requirements of Federal Rule of Civil Procedure 8.

In addition, Local Rule 5.1 requires that papers filed with the court “be plainly typewritten, printed, or prepared by a clearly legible duplication process.” E.D. Mich. LR 5.1(a). While the court understands that pro se litigants may not have access to the methods of preparation available to other litigants, the court does require that filings be legible. Plaintiff’s Complaint does not meet this requirement.¹

Accordingly, IT IS ORDERED that Plaintiff LeKendrick Lawun Murphy is

¹ Were the court able to read Plaintiff’s Complaint, the court would then assess the Complaint under 28 U.S.C. § 1915. Complaints filed *in forma pauperis* are subject to the screening requirements of 28 U.S.C. § 1915(e)(2). *Brown v. Barger*, 207 F.3d 863, 866 (6th Cir. 2000). Section 1915(e)(2) requires district courts to screen and dismiss complaints that are frivolous, fail to state a claim upon which relief can be granted, or that seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2); *McGore v. Wigglesworth*, 114 F.3d 601, 604 (6th Cir. 1997). A complaint is frivolous and subject to *sua sponte* dismissal under § 1915(e) if it lacks an arguable basis in either law or fact. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

GRANTED *in forma pauperis* status.

Plaintiff LeKendrick Lawun Murphy IS FURTHER ORDERED TO SHOW CAUSE, in legible writing, on or before **October 7, 2008**, why this case should not be dismissed for failure to meet the pleading requirements of Federal Rule of Civil Procedure 8(a). The court specifically directs Plaintiff to indicate, in a legible manner, the court's basis for jurisdiction, Plaintiff's grounds for relief, and Plaintiff's requested relief.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: September 23, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 23, 2008, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522